REMARKS

In response to the Office Action dated November 23, 2010, claims 1, 2, 12 and 28 have been amended. Claims 1-25, 27 and 28 are pending in the application.

In paragraph 4 on page 2, Applicant's claim for receiving the benefit of an earlier filing date was rejected as failing to comply with the requirements of 35 U.S.C. § 120.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims. Applicant respectfully submits that the independent claims, as amended, are fully supported by the provisional application 60/253,282.

In paragraph 6 on page 4 of the Office Action, Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Safadi.

In paragraph 8 on page 7 of the Office Action, Claims 2-4, 7-16, 25, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safadi in view of Ellis.

In paragraph 9 on page 17 of the Office Action, Claims 5, 6, and 17-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safadi in view of Ellis, and further in view of Moeller.

In paragraph 9 on page 17 of the Office Action, Claims 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safadi in view of Ellis and Moeller, and in further view of Youden.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims. .

Independent claim 1 sets forth presenting a program guide identifying audiovisual data and designating a set start time and a set stop time for the identified audiovisual data, receiving at

a set-top box audiovisual data from a desired transmission channel beginning at the set start time,

if said audiovisual data is not compressed according to a predetermined format, compressing said

received audiovisual data according to said predetermined format, in response to receiving a

request for recording compressed audiovisual data selected from the program guide prior to the

set start time for the selected compressed audiovisual data identified in the program guide,

storing dynamically, in a mass storage device and for a predefined period of time, the selected

compressed audiovisual data received from said desired transmission channel to be included in a

title plan generated by a time shift scheduler, wherein said title plan includes information

identifying the selected compressed audiovisual data stored dynamically, wherein the selected

compressed audiovisual data has a variable duration extending beyond the set stop time, wherein

storing the selected compressed audiovisual data dynamically at the set-top box comprises

identifying a content stream associated with the selected compressed audiovisual data using a

title identification code, the title identification code identifies the content stream as being time-

shifted content and provides a data stamp associated with the content stream associated with the

selected compressed audiovisual data, over-allocating memory in the mass storage device to

record the selected compressed audiovisual data having a variable duration extending beyond the

set stop time, determining a final length of the selected compressed audiovisual data,

deallocating any over-allocated memory not used to record the selected compressed audiovisual

data having a variable duration extending beyond the set stop time after the final length of the

selected compressed audiovisual data is determined and in response to a user request, providing

to said user said stored compressed audiovisual data beginning with a portion of said stored

compressed audiovisual data having associated with it a first temporal parameter. Independent

claims 2, 12 and 28 set forth similar elements.

In contrast, Safadi discloses a personal versatile recorder that registers with an electronic programming guide server so that the personal versatile recorder is notified by the electronic programming guide server when a selected event being recorded has ended.

Accordingly, Safadi fails to disclose, teach or suggest storing the selected compressed audiovisual data dynamically at a set-top box by identifying a content stream associated with the selected compressed audiovisual data using a title identification code, the title identification code identifies the content stream as being time-shifted content and provides a data stamp associated with the content stream associated with the selected compressed audiovisual data; over-allocating memory in the mass storage device to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time, determining a final length of the selected compressed audiovisual data and deallocating any over-allocated memory not used to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time after the final length of the selected compressed audiovisual data is determined. Safadi relies upon an electronic programming guide server to provide an indication when a selected event being recorded has ended.

In addition, Safadi fails to mention identifying a content stream associated with the selected compressed audiovisual data using a title identification code, the title identification code identifies the content stream as being time-shifted content and provides a data stamp associated with the content stream associated with the selected compressed audiovisual data.

Safadi also fails to mention over-allocating memory in the mass storage device to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time, determining a final length of the selected compressed audiovisual data and

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deallocating any over-allocated memory not used to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time after the final length of the selected compressed audiovisual data is determined.

Ellis fails to remedy the deficiencies of Safadi. Ellis is merely cited as disclosing that the content is received and stored by a server and provided over a transport network to subscribers, where only the received plurality of content presently requested by any subscriber is forwarded to the transport network.

However, Ellis fails to disclose, teach or suggest storing the selected compressed audiovisual data dynamically at a set-top box by identifying a content stream associated with the selected compressed audiovisual data using a title identification code, the title identification code identifies the content stream as being time-shifted content and provides a data stamp associated with the content stream associated with the selected compressed audiovisual data.

Ellis also fails to mention over-allocating memory in the mass storage device to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time.

Ellis further fails to mention determining a final length of the selected compressed audiovisual data and deallocating any over-allocated memory not used to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time after the final length of the selected compressed audiovisual data is determined.

Thus, Safadi and Ellis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Moeller fails to overcome the deficiencies of Ellis. Moeller is merely cited as disclosing storing a temporally sub-sampled version of the desired broadcast content to generate a fast-forward track and generating real-time encoded play tracks, fast forward tracks, rewind tracks, and entry point data (EPD) files associated with each track, wherein said fast-forward and rewind tracks forming said temporally adjusted content.

However, Moeller also does not disclose, teach or suggest storing the selected compressed audiovisual data dynamically at a set-top box by identifying a content stream associated with the selected compressed audiovisual data using a title identification code, the title identification code identifies the content stream as being time-shifted content and provides a data stamp associated with the content stream associated with the selected compressed audiovisual data.

Moeller also fails to mention over-allocating memory in the mass storage device to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time.

Moeller further fails to mention determining a final length of the selected compressed audiovisual data and deallocating any over-allocated memory not used to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time after the final length of the selected compressed audiovisual data is determined.

Thus, Safadi, Ellis and Moeller, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Youden fails to overcome the deficiencies of Ellis and Moeller. Youden is merely cited as disclosing storing said fast-forward tracks in extents in front to back order and storing said rewind tracks in extents. However, Youden also does not disclose, teach or suggest

However, Youden also does not disclose, teach or suggest storing the selected compressed audiovisual data dynamically at a set-top box by identifying a content stream associated with the selected compressed audiovisual data using a title identification code, the title identification code identifies the content stream as being time-shifted content and provides a data stamp associated with the content stream associated with the selected compressed audiovisual data.

Youden also fails to mention over-allocating memory in the mass storage device to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time.

Youden further fails to mention determining a final length of the selected compressed audiovisual data and deallocating any over-allocated memory not used to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time after the final length of the selected compressed audiovisual data is determined.

Thus, Safadi, Ellis, Moeller and Youden, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Dependent claims 3-11, 13-25 and 27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 2 and 12, respectively. Further dependent claims 3-11, 13-25 and 27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these

additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 3-11, 13-25 and 27 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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